

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN EXPRESS COMPANY, AMERICAN EXPRESS TRAVEL
COMPANY, INC., EXPEDIA, INC., HOTELS.COM LP, HOTELS.COM GP,
LLC, HOTWIRE, INC., ORBITZ WORLDWIDE, INC., PRICELINE.COM,
INC., TRAVELOCITY.COM LP, and YAHOO! INC
Petitioner

v.

METASEARCH SYSTEMS, LLC
Patent Owner

Case CBM2014-00001
Patent 8,236,924

Before HOWARD B. BLANKENSHIP, KARL D. EASTHOM, and
BARBARA A. BENOIT, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

DECISION

Patent Owner's Motion for *Pro Hac Vice* Admission of J. Christopher Carraway
37 C.F.R. § 42.10

Petitioner filed a motion for *pro hac vice* admission of J. Christopher Carraway. Paper 28. The motion is unopposed. For the reasons provided below, the motion is *granted*.

As set forth in 37 C.F.R. § 42.10(c), the Board may recognize counsel *pro hac vice* during a proceeding upon a showing of good cause, subject to the condition that lead counsel be a registered practitioner. For example, where the lead counsel is a registered practitioner, a non-registered practitioner may be permitted to appear *pro hac vice* “upon showing that counsel is an experienced litigating attorney and has an established familiarity with the subject matter at issue in the proceeding.” 37 C.F.R. § 42.10(c). In authorizing motions for *pro hac vice* admission, the Board also requires a statement of facts showing there is good cause to recognize counsel *pro hac vice*, and an affidavit or declaration of the individual seeking to appear in this proceeding. *See* Paper 16 (Notice listing requirements).

In its motion, Patent Owner asserts that there is good cause for Mr. Carraway’s *pro hac vice* admission, as follows: (1) Mr. Carraway has litigated patent disputes for at least seventeen years; and (2) Mr. Carraway has an established familiarity with the relevant technology, as he is involved actively in parallel litigations in co-pending district court litigation involving the ’924 Patent. Paper 28 at 1–2.

In support of the motion, Mr. Carraway attests to these facts in a declaration with sufficient explanations, attests to being a member in good standing of the state bars of Oregon, Colorado, Washington, and Minnesota, and otherwise attests to the requirements outlined in Paper 16 for *pro hac vice* admission. *See* Ex. 1019.

The record shows that Mr. Carraway has sufficient legal and technical qualifications to represent Petitioner in this proceeding and that good cause exists

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for Mr. Carraway's admission. Mr. Carraway will be permitted to appear *pro hac vice* in this proceeding as back-up counsel only. *See* 37 C.F.R. § 42.10(c).

For the foregoing reasons, it is

ORDERED that Patent Owner's motion for *pro hac vice* admission of J. Christopher Carraway for this proceeding is *granted*;

FURTHER ORDERED that Patent Owner is to continue to have a registered practitioner represent it as lead counsel for this proceeding;

FURTHER ORDERED that Mr. Carraway is to comply with the Office Patent Trial Practice Guide and the Board's Rules of Practice for Trials, as set forth in Part 42 of Title 37, Code of Federal Regulations;

FURTHER ORDERED that Mr. Carraway is subject to the Office's disciplinary jurisdiction under 37 C.F.R. § 11.19(a), and the USPTO Rules of Professional Conduct set forth in 37 C.F.R. §§ 11.101 *et seq.*

For Petitioner:

John Vandenberg
John.vandenberg@klarquist.com

Kristen Reichenbach
Kristen.reichenbach@klarquist.com

For Patent Owner:

Cyrus Morton
camorton@rkmc.com

Ryan Schultz
rmschultz@rkmc.com

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